IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Contempt Petition No. 279 of 2006

Kamal Singh Bhandari, S/O Late Sri Indara Singh Bhandari, R/O Shyam Nagar, New Basti Roorkee, District Haridwar.

…. Applicant.

Versus

1. Sri J.P.Srivastava, Regional Managar, Regional Office Astel Hall Central Bank of India, Dehradun.
2. Sri A.K.Gupta, the Branch Manager, Central Bank of India, Roorkee, District Haridwar.
3. M.S.Homai A.Daruwala, Managing Director, Central Bank of India, Chandermukhi, Nariman Point, Mumbai-46021.

… Respondents.

Sri M.S.Chauhan, learned counsel for the applicant.
Sri B.D.Kandpal, learned counsel for the respondents.

Dated August 30, 2007.

Hon'ble B.S.Verma, J.

This contempt petition has been filed to punish the respondents for their deliberate and willful disobedience of the dorder dated 3.3.2006 passed by this Court in Writ Petition No. 361 (S/S) of 2005, Kamal Singh Bhandari Vs. Union of India and others.

The petitioner's father was working as Dafari in the Cebntral Bank of India at Roorkee, who died in harness on 16-9-2000. Then the petitioner applied for appointment on compassionate ground under the scheme for appointment of dependents of deceased employees 1979 Rules. The petitioner was appointed as daily wager but after about 1,1/2 year service he was not permitted to work. The petitioner and his mother made representations to the authority concerned, which were declined, hence the petitioner filed aforesaid writ petition. Vide order date 3.3.2006, this Court has allowed the writ petition of the applicant and it was ordered that the respondents are directed to reconsider

the matter afresh in view of the observations made by this Court in the body of the judgment.

The respondents No. 1 and 2 have filed separate counter affidavits. Respondent no. 1 and 2 in para 5 of their counter affidavit have stated that the matter of petitioner was considered by the competent authority within the parameters of the aforesaid scheme for appointment on compassionate grounds and the respondents have annexed Annexure CA-1 in token of compliance of Court's order, wherein it has been observed that "*after carefully examining the record, keeping in view of the observations made by Hon'ble High Court Uttaranchal in the said order dated 03/03/2006 and Govt. of India guidelines & Hon'ble Supreme Court Judgement, we are not able to persuade ourselves to consider the case of Shri Kamal Singh Bhandari as the one bearing the angle of compassion."* Ultimately, the representation/request of the petitioner was rejected by letter dated 17-10-2006 issued by the Deputy General Manager (HRD) of the Bank concerned.

For the aforesaid reasons, the contempt petition has no force and the same is liable to be dismissed.

The contempt petition is dismissed. Notices issued to the respondents are discharged. However, the applicant/petitioner would be at liberty to assail the order before appropriate Forum.

(B.S. Verma, J.)

RCP